

U.S. Department of Justice
 United States Marshals Service

PROCESS RECEIPT AND RETURN
 See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF UNITED STATES OF AMERICA		COURT CASE NUMBER 1:05-cv-00081	
DEFENDANT JAMES E. Whitley, Jr. AND Charity A. Whitley		TYPE OF PROCESS Posting of Writ of Execution/Notice	
NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Charity A. Whitley			
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 219 ROCCA WAY, FRANKLIN, PA 16323			
SERVE AT		SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW	
JONES, GREGG, CREEHAN & GERACE, LLP 411 SEVENTH AVENUE, SUITE 1200 PITTSBURGH, PA 15219		Number of process to be served with this Form 285	
		Number of parties to be served in this case	
		Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold Please serve the above individual with the attached Writ of Execution AND Handbill Notice of Sale by posting same to the most visible part of the property pursuant to the attached Order dated July 11, 2005. Post by JANUARY 31, 2006. *Fold*

Signature of Attorney other Originator requesting service on behalf of: **Kimberly A. Harmonic** ☒ PLAINTIFF ☐ DEFENDANT
 PARALEGAL TELEPHONE NUMBER **412-261-6400** DATE **12-21-05**

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process 2	District of Origin No. _____	District to Serve No. 64	Signature of Authorized USMS Deputy or Clerk	Date
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I hereby certify and return that I ☒ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in defendant's usual place of abode

Address (complete only different than shown above)

Date **1/30/06** Time **2:15** ☐ am ☒ pm

Signature of U.S. Marshal or Deputy

Service Fee 135.00	Total Mileage Charges including endeavors 59.63	Forwarding Fee	Total Charges 194.63	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)
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REMARKS: **TO ERIC 1-10-06**
1 - USM 3 hrs = 135.00
134 miles @ .445 per mile = 59.63

- PRINT 5 COPIES:**
1. CLERK OF THE COURT
 2. USMS RECORD
 3. NOTICE OF SERVICE
 4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
 5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)	CASE NO.: 1:05-cv-00081
)	
Plaintiff,)	
)	
vs.)	
)	
JAMES E. WHITLEY, JR. and)	
CHARITY A. WHITLEY,)	
)	
Defendants.)	

WRIT OF EXECUTION

UNITED STATES OF AMERICA
WESTERN DISTRICT OF PENNSYLVANIA

TO: The United States Marshal for the Western District of Pennsylvania

To satisfy the Judgment, interest and costs against Defendants James E. Whitley, Jr. and Charity A. Whitley:

1. You are directed to levy upon the property of the Defendants to sell their interest therein; and
2. You are further directed to levy upon and sell all other real and personal property belonging to the Defendants and situate within this jurisdiction.
3. Principal: \$44,389.98
Interest to October 4, 2005: \$ 5,700.64
Interest Credit Subject to Recapture: \$17,009.73

TOTAL: \$67,100.35

Plus interest from October 4, 2005, at the legal rate, and future costs to be added.

R. V. Barth, Jr.
CLERK

DATE: *December 15, 2005*

John J. Mayo
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)	CASE NO.: 1:05-cv-00081
)	
Plaintiff,)	
)	
vs.)	
)	
JAMES E. WHITLEY, JR. and)	
CHARITY A. WHITLEY,)	
)	
Defendants.)	

NOTICE OF MARSHALS SALE OF REAL ESTATE

TO: CHARITY A. WHITLEY

This is to notify you that the real estate owned by James E. Whitley, Jr. and Charity A. Whitley and more fully described below, will be sold at the United States Marshals Sale on March 20, 2006 at 10:30 a.m. The sale will take place AT THE VENANGO COUNTY COURTHOUSE, MAIN HALLWAY, 1168 LIBERTY STREET, FRANKLIN, PENNSYLVANIA 16323. The property being sold is located at 219 Rocca Way, Franklin, Pennsylvania 16323, being more fully described as follows:

See attached legal description.

This sale is held pursuant to a judgment entered against you at Case No. 1:05-cv-00081 in the United States District Court for the Western District of Pennsylvania, captioned *United States of America v. James E. Whitley, Jr. and Charity A. Whitley* and a Writ of Execution issued on the judgment in the amount of \$67,100.35, plus interest from the date of judgment the legal rate and future costs to be added.

All parties interested and claimants are hereby given notice that a schedule of distribution will be filed by the United States Marshal for the Western District of Pennsylvania not later than 30 (thirty) days after sale and distribution will be made in accordance with the schedule unless exceptions are filed thereto within ten (10) days thereafter.

Claims against property must be filed at the Office of the United States Marshal before above sale date.

Claims to proceeds must be made with the Office of the United States Marshal before distribution.

Attached hereto is a copy of the Writ of Execution. It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay the judgment. You may have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

YOU SHOULD TAKE THIS NOTICE AND THE WRIT OF EXECUTION TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL ADVICE.

Pennsylvania Bar Association
100 South Street
Harrisburg, PA 17101
1-800-692-7375

You may have legal rights to prevent the Marshals Sale and the loss of your property. In order to exercise those rights, prompt action on your part is necessary. A lawyer may be able to help you.

You may have the right to prevent or delay the Marshals Sale by filing, before the sale occurs, a motion to open or strike the judgment or a petition to stay the execution.

If the judgment was entered because you did not file with the Court any defense or objection you might have had within twenty (20) days after service of the Complaint, you may have a right to have the judgment opened if you promptly file a motion with the Court alleging a valid defense and a reasonable excuse for failing to file the defense on time. If the judgment is opened, the Sale would ordinarily be delayed pending a trial of the issue of whether the plaintiff has a valid claim entitling it to foreclose upon or sell the real property.

You may also have the right to have the judgment stricken if there has not been a valid service of the Complaint or if the judgment was entered before twenty (20) days after service or in certain other events. To exercise this right, you would have to file a motion to strike the judgment.


If judgment was entered against you by confession, you may not have certain of the rights set forth above, but you still may have the right to move to have the confessed judgment opened or stricken on proper grounds.

You may also have the right to petition the Court to stay or delay the execution and the Marshals Sale if you can show a defect in the Writ of Execution or service or demonstrate any other legal or equitable right.

You may also have the right to have the Marshals Sale set aside if the property is sold for a grossly inadequate price or if there are defects in the Marshals Sale. To exercise this right, you should file a petition with the Court after the sale and before the Marshal has delivered his deed to the property. The Marshal will deliver the deed if no petition to set aside the sale is filed within ten (10) days from the date when the Schedule of Distribution is filed in the office of the Marshal.

Respectfully submitted,

JONES, GREGG, CREEHAN & GERACE, LLP

By: 
John P. Davis, III
PA ID No. 33294

411 Seventh Avenue, Suite 1200
Pittsburgh, PA 15219-1905
412-261-6400

Attorney for Plaintiff.

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in the Borough of Sugarcreek (formerly Township), Venango County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the northeasterly line of Rocca Way as the same is shown on that certain revised plan of lots labeled "Sub-division Plan, Grantland Park, Sugarcreek Township", which said plan was prepared by Russell E. Hart, R.P.E., under date of May 9, 1961, for Cokain and McClelland and which said plan was recorded in the Recorder's Office in said County on May 19, 1961, in Map Book 3 at page 268, said point being the common point on the northeasterly line of Rocca Way of Lot 55 and Lot 56 on said plan; thence North forty-seven degrees, forty-five minutes East (N 47° 45' E) along the northeasterly line of said Rocca Way, sixty-five (65) feet to the common point of Lot 54 and Lot 55 on said plan; thence North forty-two degrees, fifteen minutes east (N 42° 15' E) along the line between Lot 54 and Lot 55 on said plan, one hundred twenty-five (125) feet to the most easterly corner of Lot 54 and the most northerly corner of Lot 55 on said plan; thence South forty-seven degrees, forty-five minutes East (S 47° 45' E), sixty-five (65) feet to the most easterly corner of Lot 55 and the most northerly corner of Lot 56 on said plan; thence South forty-five degrees, fifteen minutes West (S 42° 15' W) along the line between Lot 55 and Lot 56 on said plan, one hundred twenty-five (125) feet to the place of beginning.

BEING Lot No. 55 as said lot is laid out on said plan hereinabove mentioned and recited.

BEING, AND INTENDED TO BE, the same premises conveyed by Dorothy C. Stoltenburg, unmarried widow, to James E. Whitley, Jr., and Charity A. Whitley, his wife, by Deed dated March, 1994, recorded contemporaneously herewith.

UNDER AND SUBJECT, HOWEVER, the following reservation as set forth in the Deed from Harry L. Cokain, et ux., et al., to Glen C. Stoltenburg, et ux., recorded in Venango County Deed Book 652, Page 337:

"1. A way and right-of-way to construct, install, lay, erect, maintain, replace and remove at any time and from time to time pipe lines and other conduits to conduct gas, water and/or sewage and also a right-of-way for wire, lines and poles for the transmission of electricity, telephone messages and television program signals, including the right to construct, erect, operate, repair and maintain said wires, lines, poles, anchor and guy lines, and other accessories, apparatus and equipment incidental to, or necessary for, said purposes."

SUBJECT, HOWEVER, the exception and reservation of all the oil and gas in and under the same but without the right to enter upon the surface to drill or operate for said oil or gas; **PROVIDED, HOWEVER**, that the said Denison W. Grant, his heirs and assigns, shall have the right to produce the oil and gas under said restricted area by the Ranney or horizontal method or by any other method so long as the same does not interfere with the surface of said restricted area, as such oil and gas are reserved and the conditions for drilling are contained in the deed from Denison W. Grant, et al., to Wolf's head Oil Refining Company, Inc., dated November 1, 1947 and recorded as aforesaid in Deed Book No. 51, Page 9.

The above-described premises known as Lot No. 55 on the Grantland Park Plan of Lots is subject to those utility line rights-of-way, building line setbacks, and other restrictions and conditions as set forth on said Plan of Lots as duly filed of record in Venango County Map Cabinet 1-81 (Map ID 268).

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)	CIVIL ACTION NO.: 05-81E
)	
Plaintiff,)	
)	
vs.)	
)	
JAMES E. WHITLEY, JR., and)	
CHARITY A. WHITLEY,)	
)	
Defendants.)	

ORDER OF COURT

AND NOW, this _____ day of _____, 2005, after due consideration of the foregoing Motion for Alternative Service for Charity A. Whitley, pursuant to Federal Rule of Civil Procedure 4(e), it is hereby ORDERED that said Motion is GRANTED and the United States of America shall perfect service of the Complaint in Mortgage Foreclosure and for Deficiency Judgment on Defendant, Charity A. Whitley, by posting a copy of the original process on the most public part of the property as permitted by Pa.R.C.P. 410(c)(2).

Sean J.
McLaughlin

UNITED STATES DISTRICT JUDGE

Digitally signed by Sean J.
McLaughlin
DN: CN = Sean J. McLaughlin, C
= US
Date: 2005.07.11 13:31:10 -04'00'